

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 4/16/2012 has been entered.

2. Claims 1, 9, 17-19 have been amended and claim 20 has been canceled. Claims 1-19 are currently pending and have been examined.

### ***Claim Interpretation - 35 USC § 112***

3. Claim limitation "means for bringing up first and second host sessions" has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term "means for" coupled with functional language "bringing up first and second host sessions" without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 9 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claims 17 and 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7, line 10 – page 8, line 1.

4. Claim limitation “means for searching said database” has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term “means for” coupled with functional language “searching said database” without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 9 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claims 17 and 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, and page 8, lines 19-22.

5. Claim limitation “means for thereafter determining...” has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term “means for” coupled with functional language “thereafter determining” without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 9 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claims 17 and 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, and page 8 lines 2-12.

6. Claim limitation "means for thereafter ordering" has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term "means for" coupled with functional language "thereafter ordering" without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 9 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claims 17 and 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, page 8, lines 23-25, and page 10, lines 1-4.

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7. Claim limitation “means for updating said software” has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term “means for” coupled with functional language “updating said software” without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 16 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, and page 9, line 24 – page 10, line 4.

8. Claim limitation “means for starting in said first host session, a software recording application...” has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term “means for” coupled with functional language “starting in said first host session, a software recording application...” without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 17 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claim 18 are

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also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, and page 8, lines 2-12.

9. Claim limitation "means for starting in said second host session, a database application..." has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term "means for" coupled with functional language "starting in said second host session, a software recording application..." without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 17 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claim 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, and page 8, lines 13-22.

10. Claim limitation "means for activating a maintenance application" has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term "means for" coupled with functional language "activating a maintenance

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application” without reciting sufficient structure to achieve the function.

Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 17 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claim 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, and page 8 lines 23-25.

11. Claim limitation “means for entering a first list” has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term “means for” coupled with functional language “entering a first list” without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 17 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claim 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth

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paragraph limitation: page 7 lines 10-11, and 15-23, and page 8, line 25 – page 9, line 5.

12. Claim limitation “means for searching said database” has been interpreted under 35 U.S.C. 112, sixth paragraph, because it uses a non-structural term “means for” coupled with functional language “searching said database” without reciting sufficient structure to achieve the function. Furthermore, the non-structural term is not preceded by a structural modifier.

Since this claim limitation invokes 35 U.S.C. 112, sixth paragraph, claim 17 is interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof. Similarly, claim 18 are also interpreted to cover the corresponding structure described in the specification that achieves the claimed function, and equivalents thereof.

A review of the specification shows that the following appears to be the corresponding structure described in the specification for the 35 U.S.C. 112, sixth paragraph limitation: page 7 lines 10-11, and 15-23, and page 9, lines 6-13.

13. If applicant wishes to provide further explanation or dispute the examiner’s interpretation of the corresponding structure, applicant must identify the corresponding structure with reference to the specification by page and line number, and to the drawing, if any, by reference characters in response to this Office action.

If applicant does **not** wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant may amend the claim so that it will clearly

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not invoke 35 U.S.C. 112, sixth paragraph, or present a sufficient showing that the claim recites sufficient structure, material, or acts for performing the claimed function to preclude application of 35 U.S.C. 112, sixth paragraph.

For more information, see *Supplementary Examination Guidelines for Determining Compliance with 35 U.S.C. § 112 and for Treatment of Related Issues in Patent Applications*, 76 FR 7162, 7167 (Feb. 9, 2011).

***Allowable Subject Matter***

14. Claims 1-19 are allowed.

***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Rutten whose telephone number is (571)272-3703. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Li B. Zhen can be reached on (571)272-3768. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James D. Rutten/  
Primary Examiner, Art Unit 2197